

REMARKS

The Office Action mailed on March 6, 2009 has been received and its contents carefully considered.

In this Amendment, Applicants have amended claims 1-4, 6-8, and 10-13. Claim 5 has been cancelled, and claim 20 has been added. Claims 1 and 20 are the independent claims, and claims 1-4 and 6-20 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Office Action rejects claims 6-19 under 35 USC 112 as being unclear if they are independent or dependent.

The rejection is respectfully traversed. Claims 6-19 are clearly dependent claims as they respectively refer to another claim. It is further submitted that claims 6-19 are all proper dependent claims, because "a claim that incorporates by reference all of the subject matter of another claim ...[is] in compliance with the fourth paragraph of 35 USC § 112" (*Ex parte Porter*, 25 USPQ2d 1144, 1147). In addition, according to M.P.E.P. § 608.01(n) that suggests where an examiner considers a claim to be an improper dependent claim, "The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim;" and "The fact that a dependent claim which is otherwise proper

might relate to a separate invention which would require a separate search or be separately classified from the claim on which it depends would not render it an improper dependent claim.” Since claims 6-19 each includes every limitation of the claim from which it depends, it is submitted that claims 6-19 are all proper dependent claims, and the rejection to claims 6-19 should be reconsidered and withdrawn.

The Office Action rejects claims 1-4 under 35 USC 103(a) as being unpatentable over Okazaki (US 5,882,949) in view of Akram (US 6,114,240) further in view of Ikeda (US 5,928,768). The Office Action also objects to claim 5 as being dependent upon a rejected base claim.

It is noted with appreciation that the Office Action indicates that claim 5 would be allowable if rewritten in independent form. In this Amendment, the Applicants have amended claim 1 to include all of the features recited in claim 5, and have thus cancelled claim 5. Since amended claim 1 is now the independent form of claim 5, it is submitted that claim 1 is allowable.

Claims 2-4 depend from claim 1. Hence, they are patentable over the cited references for at least the reasons as to the patentability of claim 1. It is thus submitted that the rejection of claims 1-4 should be reconsidered and withdrawn.

Claim 20 has been added to more clearly define the invention. Claim 20 includes the features recited in amended claim 1, and is thus patentably distinguishable over the prior art.

Based on the above, it is submitted that this application is in condition for allowance and such a Notice earnestly is solicited.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

No fee is believed due. Should any fee be required, however, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,



Robert H. Berdo, Jr. – Reg. No. 38,075
RABIN & BERDO, PC
Cust. No. 23995
Facsimile: 202-408-0924
Telephone: 202-371-8976

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Date

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AMENDMENT

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